

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)	
)	The Honorable Liam O’Grady
Plaintiff,)	
)	Case No. 1:12-cr-00003-LO
v.)	
)	
KIM DOTCOM, <i>et al.</i>)	
)	
Defendants.)	

**DECLARATION OF KYLE GOODWIN IN SUPPORT OF HIS RESPONSE TO
QTS REALTY TRUST, INC’S RENEWED MOTION FOR PROTECTIVE
ORDER**

I, Kyle Goodwin, declare as follows:

1. I am the owner and proprietor of OhioSportsNet, LLC, a business I founded in July 2011. The business of OhioSportsNet includes traveling all over Ohio to take video of high school sporting events, as well as producing broadcasts of those events, highlight reels, and other video productions covering high school sports.
2. In order to share video footage of games with my producers, we must either drive all over the state to physically exchange storage media, or use an Internet-based service that allows for the storage and transmission of large files. It was that need that led me to purchase a premium account on Megaupload in 2011 at a price of 79.99 Euros. This premium account allowed me to store and transfer files of unlimited size among my producers without having to transport storage media all over Ohio.
3. I stored many files on Megaupload between July 2011 and January 2012, including raw footage of games and player and coach interviews. I stored many files at many different points in the editing process, and I don’t have a comprehensive list of what files were stored in my Megaupload account. I know that they included video of the following high school soccer games, among many other files: Strongsville High School v. Magnificat High School (girls soccer), Aug. 29, 2011; Strongsville v. Brecksville High School (girls soccer), Sept. 19, 2011; Strongsville v. McDonogh (girls soccer), Sept. 24; Strongsville v. Avon Lake High School (girls soccer), Oct. 3, 2011; Strongsville v. Hudson High School (girls soccer), Oct. 5, 2011; Strongsville v. Medina High School (girls soccer), Oct. 8, 2011; Strongsville v. Amherst High School (boys soccer), Sept. 17, 2011; St. Ignatius High School v. Massillon-Jackson High School (boys soccer), Sept.

24, 2011; Avon High School v. Rocky River High School (girls soccer), Sept. 14, 2011.

4. These video files, along with the many others that I stored in my Megaupload account, are a lasting visual record of many important moments for Ohio student athletes and their families, and are similar in importance to home movies or family photo albums. They also comprised the irreplaceable raw material that sustains my business.
5. As of January 2012, OhioSportsNet had begun to realize some commercial success.
6. However, my business suffered a blow in January 2012 due to two events that occurred within a short period. The personal hard drive on which I kept a backup of all of the raw footage of games, player and coach interviews, edited promotional packages, and other video footage, crashed during the middle of that month. I have not been able to recover the data.
7. Once my hard drive crashed, I planned to recover my files from Megaupload. However, I could not access any of my files stored on that site. I learned later that the government had shut down the Megaupload site.
8. The loss of my files has made doing the business of OhioSportsNet difficult. Because I can no longer access the files I had stored in my Megaupload account, I have been unable to provide student athletes a record of their 2011-2012 athletic activities. For the athletes and their parents, I compare the loss of this material to the loss of treasured keepsakes such as home videos or photographs.
9. The shutdown of Megaupload also caused me to lose access to nearly all of the footage that my business had taken in its first year of operation. I had planned to use this footage to create documentaries and promotional material to further grow my business. This footage represents a significant body of original creative work by me and my producers that I would like to continue using and building upon.
10. Before January 2012, OhioSportsNet regularly streamed high school sports events live on its website. Due in part to the loss of revenue caused by losing access to the footage I had stored in my Megaupload account, OhioSportsNet has not been able to stream many games live since that time. Instead, we focus on compiling game highlights to be shown after the fact.
11. Getting access to the video files I had stored in my Megaupload account would be valuable for my business, my customers, and for me personally. If I am able to access those files, I will continue to make original video productions from them, give student athletes documentation of their athletic careers, and use the videos in documentaries and promotional materials. I believe the revenue I could earn from the use of the video files will help me grow my business.

I declare under penalty of perjury that the foregoing is true and correct.

August 20, 2015

Signed: 

Kyle Goodwin